

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

FOUR TIMES SQUARE  
NEW YORK 10036-6522

TEL: (212) 735-3000

FAX: (212) 735-2000

www.skadden.com

FIRM/AFFILIATE OFFICES

BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
PALO ALTO  
WASHINGTON, D.C.  
WILMINGTON

BEIJING  
BRUSSELS  
FRANKFURT  
HONG KONG  
LONDON  
MOSCOW  
MUNICH  
PARIS  
SAO PAULO  
SEOUL  
SHANGHAI  
SINGAPORE  
SYDNEY  
TOKYO  
TORONTO

DIRECT DIAL  
212-735-2217  
DIRECT FAX  
917-777-2217  
EMAIL ADDRESS  
ANDREW.MUSCATO@SKADDEN.COM

June 15, 2015

By ECF

Honorable Freda L. Wolfson  
United States District Judge  
Clarkson S. Fisher Federal Bldg. & U.S.  
Courthouse, Room 5050  
402 E. State Street  
Trenton, NJ 08608

RE: In re BLACKROCK MUTUAL FUNDS  
ADVISORY FEE LITIGATION  
Civil Action No. 3:14-cv-01165-FLW-TJB

Dear Judge Wolfson:

We enclose herewith for Your Honor's consideration a Stipulation and [Proposed] Order Regarding Prospective Damage Claims and Adding an Additional Plaintiff in the above-captioned matter.

If the Stipulation and Order meets with Your Honor's approval, we respectfully request that it be entered and that your staff file a conformed copy with the CM/ECF system.

Thank you for Your Honor's consideration of this matter.

Respectfully yours,

Andrew Muscato

AM:nm  
Enclosure

cc: Robert L. Lakind, Esq.  
Arnold C. Lakind, Esq.  
Robin F. Zwerling, Esq.  
Andrew W. Robertson, Esq.  
Seth M. Schwartz, Esq.  
Donald A. Robinson, Esq.  
(all by email, w/enc.)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

In re BLACKROCK MUTUAL FUNDS  
ADVISORY FEE LITIGATION

Civil No. 3:14-cv-01165-FLW - TJB

**STIPULATION AND [PROPOSED] ORDER  
REGARDING PROSPECTIVE DAMAGE CLAIMS AND ADDING  
AN ADDITIONAL PLAINTIFF**

WHEREAS, on February 21, 2014, plaintiffs Owen Clancy and Jack Hornstein filed a complaint (the "Initial Action") against defendants BlackRock Investment Management, LLC, BlackRock Advisors, LLC, and BlackRock International Limited (together, "Defendants" or "BlackRock");

WHEREAS, the Court entered an order of consolidation in this action on May 6, 2014 (the "Consolidation Order") directing that all actions related to the Initial Action that are filed in this District shall be consolidated for all purposes before this Court (the "Consolidated Action");

WHEREAS, in accordance with the Consolidation Order, Plaintiffs filed a Consolidated Complaint in this Court on May 27, 2014 in Civil Action No. 3:14-CV-01165-FLW-TJB (the "Consolidated Action");

WHEREAS, Defendants filed their answer on June 26, 2014, along with a motion to dismiss the Consolidated Complaint pursuant to FED. R. CIV. P. 12 (c) ("MTD");

WHEREAS, by Order dated March 25, 2015, the Court denied Defendants' MTD;

WHEREAS, on February 24, 2015, Plaintiffs filed a complaint (the "New Complaint") against Defendants in a new action in this Court, Civil Action No. 3:15-CV-01403-FLW-TJB (the "New Action"), based on substantially the same facts alleged in the Consolidated Complaint;

WHEREAS, as indicated on the Civil Cover Sheet, plaintiffs filed the New Complaint as a Related Case to the Consolidated Action (together the "Related Actions");

WHEREAS, Defendants' time to answer the New Complaint as extended has not expired;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the parties in the Related Actions through their undersigned counsel and subject to the Court's approval, as follows:

1. Pursuant to paragraph 4 of the Consolidation Order, the New Action shall be and hereby is consolidated with the Consolidated Action for all purposes.

2. Defendants shall not be required to answer, move against, or otherwise respond to, the New Complaint, and the Consolidated Complaint shall remain the operative complaint in the Consolidated Action.

3. Cindy Tarchis shall be and hereby is added as an additional Plaintiff to the Consolidated Complaint.

4. Plaintiffs shall not, and shall not be required to, file an amended Consolidated Complaint for the purpose of joining Cindy Tarchis as an additional named plaintiff in the Consolidated Action or for the purpose of pleading damages allegedly incurred after February 21, 2014, the date of filing of the Initial Action.

5. Plaintiffs may seek: (a) discovery from Defendants regarding advisory fees received by Defendants from the BlackRock Global Allocation Fund and the BlackRock Equity Dividend Fund after February 21, 2014, and (b) an award of damages, including interest, from one year prior to the commencement of the Initial Action through the date of trial, as set forth in the Prayer for Relief in the Consolidated Complaint.

6. Plaintiff may file a supplemental pleading 60 days before trial regarding all damages claimed through the date of trial, and Defendants may plead to the supplemental pleading 30 days before trial.

Dated: June 15, 2015

Dated: June 15, 2015

By: s/Robert Lakind

Robert L. Lakind  
Arnold C. Lakind  
Daniel S. Sweetser  
Mark A. Fisher  
SZAFERMAN, LAKIND, BLUMSTEIN,  
BLADER & LEHMANN, PC  
101 Grovers Mill Road  
Suite 200  
Lawrenceville, New Jersey 08648  
(609) 275-0400  
alakind@szaferman.com  
rlakind@szaferman.com  
dsweetser@szaferman.com  
mfisher@szaferman.com

Local Counsel for Plaintiffs

ZWERLING, SCHACHTER &  
ZWERLING, LLP  
Robin F. Zwerling  
Jeffrey C. Zwerling  
Susan Salvetti  
Andrew W. Robertson  
41 Madison Avenue  
New York, New York 10010  
(212) 223-3900  
[rzwerling@zsz.com](mailto:rzwerling@zsz.com)  
[jzwerling@zsz.com](mailto:jzwerling@zsz.com)  
[ssalvetti@zsz.com](mailto:ssalvetti@zsz.com)  
[arobertson@zsz.com](mailto:arobertson@zsz.com)

Robbins Arroyo, LLP  
Stephen J. Oddo  
Edward B. Gerard  
600 B St #1900  
San Diego, CA 92101  
(619) 525-3990

By: s/Andrew Muscato

Andrew Muscato  
Seth M. Schwartz  
Michael H. Gruenglas  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
4 Times Square  
New York, New York 10036  
(212) 735-3000  
Andrew.Muscato@skadden.com  
Seth.Schwartz@skadden.com  
Michael.Gruenglas@skadden.com

Eben P. Colby  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
500 Boylston Street  
Boston, Massachusetts 02116  
617-573-4800  
Eben.Colby@skadden.com

Donald A. Robinson  
Justin T. Quinn  
Keith J. Miller  
ROBINSON MILLER LLC  
One Newark Center  
19<sup>th</sup> Floor  
Newark, New Jersey 07102  
(973) 446 -2760  
drobinson@rwmlegal.com  
jquinn@rwmlegal.com  
kmiller@rwmlegal.com

Counsel for Defendants

[soddo@robbinsarroyo.com](mailto:soddo@robbinsarroyo.com)  
[egerard@robbinsarroyo.com](mailto:egerard@robbinsarroyo.com)  
Lead Counsel for Plaintiffs

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2015

---

HONORABLE. FREDA L. WOLFSON  
United States District Judge